

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Gary D. Wilder, :
Plaintiff : Civil Action 2:05-cv-438
v. : Judge Frost
Ohio Adult Parole Authority and : Magistrate Judge Abel
Ohio Department of Rehabilitation and :
Correction, :
Defendants

Report and Recommendation

The Magistrate Judge RECOMMENDS that plaintiff Wilder's June 30, 2005 motion for injunction relief (doc. 9) be DENIED.

Plaintiff complains that the prison cashier continues to collect money from his inmate account even though he voluntarily dismissed this lawsuit just a week after it was filed. However, the May 5, 2005 Order granting him leave to proceed *in forma pauperis* states that plaintiff is required to pay the full amount of the Court's \$250 filing fee. 28 U.S.C. §1915(b)(1). The statute does not contain a provision relieving a prisoner of that obligation if he dismisses the suit before defendants are served and before they respond to the complaint.

If any party objects to this Report and Recommendation, that party may, within ten (10) days, file and serve on all parties written objections, specifically designating this

Report and Recommendation, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1)(B); Rule 72(b), Fed. R. Civ. P.

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also, *Small v. Secretary of Health and Human Services*, 892 F.2d 15, 16 (2d Cir. 1989).

s/Mark R. Abel
United States Magistrate Judge